

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TOSHIBA SAMSUNG STORAGE
TECHNOLOGY KOREA CORPORATION,

Plaintiff,

v.

LG ELECTRONICS, INC., LG
ELECTRONICS U.S.A., INC. and LG
INTERNATIONAL (AMERICA), INC.

Defendants.

Civil Action No.: 15-cv-00691-LPS-CJB

**AGREED STIPULATION AND [PROPOSED] ORDER OF DISMISSAL WITH
PREJUDICE PURSUANT TO RULE 41(a)(1)(A)(ii)**

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), Plaintiff Toshiba Samsung Storage Technology Korea Corporation (“TSST-K”) and Defendants, LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively “LGE”), and, by and through their respective undersigned counsel, hereby stipulate to the voluntary dismissal of this action with prejudice, and with each party bearing, and waiving any entitlement to, its own costs, attorney’s fees, and expenses.

In its Complaint, Plaintiff, Toshiba Samsung Storage Technology Korea Corporation (“TSST-K”) alleged that LG has infringed U.S. Patent No. RE43,106 (“the ’106 patent”), U.S. Patent No. 7,367,037 (“the ’037 patent”), U.S. Patent No. 6,721,110 (“the ’110 patent”), and U.S. Patent No. 6,785,065 (“the ’065 patent”). On August 31, 2016, the Parties reached an agreement to stay the litigation (and *LG Elecs. Inc. et al v. Toshiba Samsung Storage Technology Korea Corp.*, C.A. No. 12-1063-LPS) pending final, non-appealable resolution of all *Inter Partes* Review proceedings (“IPRs”) then pending or instituted on all of the patents-in-suit (D.I. 90). On September 2, 2016, the Court stayed this case.

There were six IPRs on which the stay was based: IPR2016-01642 ('110 patent); IPR2016-01655 ('065 patent); IPR2015-01653 ('106 patent); IPR2015-01659 ('037 patent); IPR2016-01677 ('106 patent); and IPR2016-0167 ('106 patent). All of the IPRs concerned the TSST-K patents-in-suit in this litigation.

As reported in the parties' March 16, 2018 status report, five of the IPR proceedings had been finally resolved last year when the Patent Trial and Appeal Board ("PTAB") found all of the challenged claims of the TSST-K patents to be unpatentable, and TSST-K did not appeal those rulings. *See* IPR2015-01642, IPR2015-01644, IPR2015-01659, IPR2016-01677, and IPR2016-01678. The sixth IPR proceeding, IPR2016-01653, was finally resolved this summer when, on June 8, 2018, the Federal Circuit affirmed the PTAB's February 2, 2017 Final Written Decision holding claims 7-19 of the '106 patent to be unpatentable. *See* IPR2016-01653. Thus, all asserted claims of all four patents-in-suit have now been indicated not patentable and will be cancelled. *See* 35 U.S.C. § 318(b).

In view of the foregoing, the parties agree and hereby stipulate to the voluntary dismissal of this action with prejudice (including all claims, and all counterclaims to the extent that they exist).

Dated: October 29, 2018

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IT IS SO ORDERED, this _____ day of _____, 2018.

UNITED STATES DISTRICT JUDGE